

# Court of Appeals, State of Michigan

## ORDER

Estate of Felice Vermeersch v Bay Health Care

Docket No. 284972

LC No. 02-003940-NH

Kathleen Jansen  
Presiding Judge

E. Thomas Fitzgerald

Elizabeth L. Gleicher  
Judges

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In lieu of granting the application for leave to appeal, this Court orders pursuant to MCR 7.205(D)(2) that the trial court's order denying defendant's motion for summary disposition is REVERSED. Pursuant to *Farley v Carp*, \_\_\_ Mich App \_\_\_, \_\_\_ NW2d \_\_\_ (2010), issued 01/05/2010 (Docket No. 283405; 284681), and its companion cases *Wren v Southfield Rehabilitation Co* (Docket Nos. 283726; 283727) and *Ellis v Henry Ford Heath System* (Docket Nos. 284319), plaintiff's claim was untimely and must be dismissed based on *Waltz v Wyse*, 469 Mich 642; 677 NW2d 813 (2004). This matter is REMANDED to the trial court with direction to enter an order granting summary disposition to defendants.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 8 2010  
Date

*Sandra Schultz Mengel*  
Chief Clerk